

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2014090820

v.

ALHAMBRA UNIFIED SCHOOL DISTRICT,

ALHAMBRA UNIFIED SCHOOL DISTRICT,

OAH Case No. 2014091009

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On September 23, 2014, attorney Mark Woodsmall, on behalf of Student, filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2014090820 (First Case), naming Alhambra Unified School District.

On September 25, 2014, attorney Cole Dalton, on behalf of Alhambra, filed a Request for Due Process Hearing in OAH case number 2014091009 (Second Case), naming Student.

On September 25, 2014, Alhambra filed a Motion to Consolidate the First Case with the Second Case.

On October 1, 2014, Student filed a response to Alhambra's motion to consolidate indicating that Student does not object to the motion.

APPLICABLE LAW AND DISCUSSION

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the First Case and Second Case involve a common question of law or fact, specifically, whether the District offered Student a free appropriate public education in the least restrictive environment for the 2013-2014 and 2014-2015 school years. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because the commonality of legal and factual issues will necessitate calling the same witnesses and using the same documentary evidence. Accordingly, consolidation is granted.

ORDER

1. Alhambra's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014091009 (Second Case) are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2014090820 (First Case).
4. The matter shall proceed upon the dates set in OAH Case Number 2014090820, which are: mediation on October 29, 2014; prehearing conference on November 7, 2014, at 3:00 p.m.; and due process hearing commencing on November 18, 2014, at 9:30 a.m. and continuing Monday through Thursday at the discretion of the assigned Administrative Law Judge.

DATE: October 2, 2014

/s/

ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings